

DEC 12 2006

4003/006

Art Unit 2621
Serial No.: 09/960,030Reply to Office Action of: 09/12/2006
Attorney Docket No.: K35A0978

REMARKS

The Applicants thank the Examiner for his careful and thoughtful examination of the present application and for the indication of allowable subject matter in Claims 1-13 and 15-17. By way of summary, Claims 1-20 were pending in this application. In the present response, the Applicants have not made any amendments. Accordingly, Claims 1-20 remain pending for consideration.

REJECTION UNDER 35 USC 103(a): CLAIMS 14 AND 18-20

The Office action rejected Claims 14 and 18-20 under 35 U.S.C. § 103 as being unpatentable over U.S. patent application publication no. 2002/0170073 to Miller et al. (the Miller reference) in view of U.S. patent application publication no. 2002/0092021 to Yap et al. (the Yap reference). The Applicants respectfully traverse this rejection because the Miller reference, alone or in combination with the Yap reference, fails to teach or suggest all of the elements of the claims. See M.P.E.P. § 2143 (stating that in order to establish a *prima facie* case of obviousness for a claim, the prior art references must teach or suggest all the claim limitations).

In particular, Claim 14, *inter alia*, recites a set top box (STB) for use with a digital video recorder (DVR) comprising a STB controller for "generating a STB GUI; and communicating to the DVR information identifying a program selected by a user from the STB GUI." The Miller reference, alone or in combination with the Yap reference, fails to teach or suggest these limitations.

The Examiner admits that "Miller et al fails to specifically disclose the feature of generating a STB GUI and communicating to the DVR information identifying a program selected by the user from the STB GUI," and instead relies on the Yap reference for this teaching. Office action, p. 3. The Examiner then asserts that the Yap reference discloses a video recording apparatus that meets the above limitations in claims 43-44 of the Yap publication.

Yet, claim 43 of Yap specifically recites a "digital video recording (DVR) apparatus...comprising: a memory for storing a plurality of selectable parameters

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related to recording of content in the DVR apparatus; a processor for displaying a menu of said selectable parameters; and a user interface device for selecting at least one parameter from the menu in order to effect a recording operation for the content." Yap, Claim 43 (emphasis added). Claim 44 of Yap merely adds that the "user-interface is selected from the group comprising a...graphical user interface." Yap, Claim 44.

The Yap reference, in fact, is principally directed towards "a STB equipped with digital video recording (DVR) capabilities" (see Yap, Abstract), and does not ever disclose or suggest the use of a set top box (STB) that communicates over an interface with a digital video recorder (DVR), as set forth in Claim 14. Thus, in claims 43 and 44 of Yap, Yap discloses generating a DVR GUI, and does not disclose or suggest generating a STB GUI, as claimed in Claim 14. Moreover, there is no teaching or suggestion in Yap to communicate to a DVR information identifying a program selected by the user from a STB GUI.

Since neither Miller nor Yap disclose or suggest the above limitations, Applicants respectfully submit that, for at least the above reasons, Claim 14 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 14.

Claim 18, *inter alia*, recites a computer program for use in a set top box (STB) for use with a digital video recorder (DVR), the computer program comprising code segments for "generating a STB graphical user interface (GUI); and communicating to the DVR information identifying a program selected by a user from the STB GUI." The Miller reference, alone or in combination with the Yap reference, fails to teach or suggest these limitations.

For reasons similar to those discussed at length above with respect to Claim 14, neither Miller nor Yap disclose or suggest the above limitations. Therefore, Applicants respectfully submit that, for at least the above reasons, Claim 18 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 18.

Claim 19, *inter alia*, recites a set top box (STB) for use with a digital video recorder (DVR) comprising a STB controller for "generating a STB graphical user

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interface (GUI); and communicating to the DVR information identifying a program selected by a user from the STB GUI to be recorded by the DVR." The Miller reference, alone or in combination with the Yap reference, fails to teach or suggest these limitations.

For reasons similar to those discussed at length above with respect to Claim 14, neither Miller nor Yap disclose or suggest the above limitations. Therefore, Applicants respectfully submit that, for at least the above reasons, Claim 19 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 19.

Claim 20, *inter alia*, recites a computer program for use in a set top box (STB) for use with a digital video recorder (DVR), the computer program comprising code segments for "generating a STB graphical user interface (GUI) . . . and communicating to the DVR information identifying a program selected by a user from the STB GUI to be recorded by the DVR." The Miller reference, alone or in combination with the Yap reference, fails to teach or suggest these limitations.

For reasons similar to those discussed at length above with respect to Claim 14, neither Miller nor Yap disclose or suggest the above limitations. Therefore, Applicants respectfully submit that, for at least the above reasons, Claim 20 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 20.

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CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the pending claims are now in condition for allowance and request reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: December 12, 2006

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